

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KEVIN CARTER, an individual, et al.,

Plaintiffs,

v.

WYNN LAS VEGAS, a Nevada Limited
Liability Company, et al.,

Defendants.

Case No. 2:10-cv-01868-KJD-GWF

ORDER

Presently before the Court is Defendants' Motion for Summary Judgment (#17). Plaintiffs filed a response in opposition (#22) to which Defendants replied (#26). Also before the Court is Defendants' Motion for Leave to File Supplement to Defendants' Reply (#44).

Defendants' Motion for Summary Judgment alleges that Plaintiffs failed to participate in mandatory arbitration. Therefore, Defendants' argue, Plaintiffs are precluded from obtaining judicial relief because they failed to exhaust contractually mandated procedures. Defendants' Motion for Leave informed the Court that on or about February 14, 2011, the union representation for Plaintiffs and the Wynn selected to resolve this dispute through arbitration. The arbitration hearing has been scheduled for November 30, 2011. Though the time for doing so has passed, Plaintiffs have not filed a response to Defendants' Motion for Leave and therefore concede that an arbitration hearing has been scheduled.

1 When the “resolution of the issue presented cannot really affect the [party’s] rights, there is,
2 generally speaking, no case or controversy for the courts to adjudicate; no real relief can be
3 awarded.” Smith v. University of Washington, Law School, 233 F.3d 1188, 1193 (9th Cir. 2000).

4 Here, the parties have selected to have their rights determined by an arbitrator and there is no
5 case or controversy left for the Court to adjudicate. Accordingly, the Court **DISMISSES** Plaintiffs’
6 Complaint as moot, without prejudice. All other outstanding motions are denied as moot.

7 **IT IS SO ORDERED.**

8 DATED: July 18, 2011

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12 Kent J. Dawson
13 United States District Judge
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